

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

: INDICTMENT

- v. -

: 05 Cr.

KRIS SERGENTAKIS,
VINCENT SGAMBELLURI, and
DOMINICK SGAMBELLURI,

05CRIM. 230

Defendants.

COUNT ONE

(Conspiracy)

JUDGE KEENAN

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, KRIS SERGENTAKIS, the defendant, was employed as a purchasing manager in the graphics department of Leukemia & Lymphoma Society, Inc. ("LLS"), a non-profit charitable organization located in White Plains, New York. As a purchasing manager in the graphics department, SERGENTAKIS was responsible for, among other things, allocating LLS's contracts for commercial printing and related services.

2. At all times relevant to this Indictment, VINCENT SGAMBELLURI and DOMINICK SGAMBELLURI, the defendants, co-owned and operated Airfield Graphics, Inc., a commercial printing company located in Linden, New Jersey. Airfield Graphics contracted with

LLS, among other customers, to perform commercial printing services.

3. At all times relevant to this Indictment, Data Tape Systems, Inc. ("Data Tape") was a company established by KRIS SERGENTAKIS to receive commercial bribes.

The Kickback Scheme

4. From in or about July 2001 through on or about April 16, 2004, KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI, the defendants, and others known and unknown agreed to participate in a scheme whereby the SGAMBELLURIs paid SERGENTAKIS kickbacks for his assistance in causing contracts for printing services to be awarded by LLS to Airfield Graphics.

5. In furtherance of the scheme, VINCENT SGAMBELLURI and DOMINICK SGAMBELLURI paid KRIS SERGENTAKIS kickbacks in the form of checks from Airfield Graphics made payable to SERGENTAKIS's company, Data Tape. In exchange for the kickbacks, SERGENTAKIS ensured that LLS awarded certain contracts to Airfield Graphics for commercial printing and related services. In total, the SGAMBELLURIs paid approximately \$64,939 in commercial bribes to SERGENTAKIS.

6. In furtherance of the scheme, VINCENT SGAMBELLURI and DOMINICK SGAMBELLURI caused Airfield Graphics's invoices for printing services to be mailed from Airfield Graphics's office in Linden, New Jersey to LLS's White Plains office. The invoices

charged LLS greater amounts than LLS would have paid had the contracts been awarded through competitive bidding. LLS generally paid Airfield Graphics in the form of checks mailed from LLS's White Plains office to Airfield Graphics's office in Linden, New Jersey.

7. In furtherance of the scheme, KRIS SERGENTAKIS did not disclose his receipt of kickbacks from VINCENT SGAMBELLURI and DOMINICK SGAMBELLURI to LLS or anyone else associated with Airfield Graphics, and such payments were made without the knowledge or approval of LLS.

Statutory Allegations

8. From in or about July 2001 through on or about April 16, 2004, in the Southern District of New York and elsewhere, KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States of America, to wit, violations of Title 18, United States Code, Sections 1952(a)(3), 1341, and 1346.

Objects of the Conspiracy

9. It was a part and an object of the conspiracy that KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did travel in interstate

commerce and use the mails and facilities in interstate commerce, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, specifically, commercial bribery in violation of New York State Penal Law Sections 180.00, 180.03, 180.05, and 180.08, and, thereafter, would and did perform and attempt to perform an act to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3)(A).

10. It was further a part and an object of the conspiracy that KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, including a scheme and artifice to deprive another of the intangible right of honest services, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice to defraud, and attempting so to do, would and did place in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and would

and did take and receive therefrom, such matters and things, and would and did knowingly cause to be delivered by mail and by such carriers according to the directions thereon, and at the places at which they were directed to be delivered by the persons to whom they were addressed, such matters and things, in violation of Title 18, United States Code, Sections 1341 and 1346.

Overt Acts

11. In furtherance of the conspiracy and to effect the illegal objects thereof, KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI, the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about July 5, 2001, VINCENT SGAMBELLURI issued a check in the amount of approximately \$1,000 from Airfield Graphics's bank account payable to Data Tape.

b. On or about August 15, 2002, DOMINICK SGAMBELLURI issued a check in the amount of approximately \$915 from Airfield Graphics's bank account payable to Data Tape.

c. On or about August 19, 2002, KRIS SERGENTAKIS cashed a check in the amount of approximately \$915 from Airfield Graphics made payable to Data Tape.

d. On or about November 5, 2002, VINCENT SGAMBELLURI and DOMINICK SGAMBELLURI caused Airfield Graphics to

mail an invoice in the amount of approximately \$46,687 from Linden, New Jersey to LLS in White Plains, New York.

e. On or about November 21, 2002, KRIS SERGENTAKIS caused LLS to mail a payment in the amount of approximately \$53,313 from White Plains, New York to Airfield Graphics in Linden, New Jersey.

(Title 18, United States Code, Section 371).

COUNT TWO

(Travel Act/Commercial Bribery)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 7 and 11 are hereby repeated, realleged and incorporated by reference as if fully set forth herein.

13. From in or about July 2001 through on or about April 16, 2004, in the Southern District of New York and elsewhere, KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI, the defendants, traveled in interstate commerce and used the mails and facilities in interstate commerce, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, specifically, commercial bribery in violation of New York State Penal Law Sections 180.00, 180.03, 180.05, and 180.08, and, thereafter, performed and attempted to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management,

establishment, and carrying on of such unlawful activity, to wit, KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI caused mailings between Linden, New Jersey and White Plains, New York and used interstate wires in furtherance of the scheme described in Count One.

(Title 18, United States Code, Sections 1952(a)(3)(A) and 2.)

COUNT THREE

(Mail Fraud)

The Grand Jury further charges:

14. The allegations contained in paragraphs 1 through 7 and 11 are hereby repeated, realleged and incorporated by reference as if fully set forth herein.


15. From in or about July 2001 through on or about April 16, 2004, in the Southern District of New York and elsewhere, KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI, the defendants, having devised and intending to devise a scheme and artifice to defraud, including a scheme and artifice to deprive another of the intangible right of honest services, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, to wit, the scheme described in Count One, unlawfully, willfully, and knowingly, for the purpose of executing such scheme and artifice and attempting so to do, placed in post offices and authorized depositories for mail

matter, matters and things to be sent and delivered by the Postal Service, and deposited and caused to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and took and received therefrom such matters and things, and knowingly caused to be delivered by mail and such carriers according to the directions thereon, and at the places at which they were directed to be delivered by the persons to whom they were addressed, such matters and things, to wit, in furtherance of the scheme described in Count One, KRIS SERGENTAKIS, VINCENT SGAMBELLURI, and DOMINICK SGAMBELLURI caused invoices to be mailed from Airfield Graphics in Linden, New Jersey to the Leukemia & Lymphoma Society, Inc. ("LLS") in White Plains, New York and checks to be mailed from LLS to Airfield Graphics.

(Title 18, United States Code, Sections 1341, 1346, and 2.)



FOREPERSON



DAVID N. KELLEY
United States Attorney

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INDICTMENT

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18 U.S.C. §§ 371, 1952, 1341, 1346 & 2.

DAVID N. KELLEY
United States Attorney.

A TRUE BILL


Foreperson.

3/2/05
B

*Case assigned to J. Menar for all
purpose*

M. J. Gonsky